IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE MR. JUSTICE C.V. RAMULU

WRIT PETITION No. 15488 OF 2006

DATED: 23-11-2006

BETWEEN:

S.Veera Reddy

.....Petitioner

AND

The Special Deputy Tahsildar (Enforcement),
O/o. Sub-Collector, Vijayawada, Krishna
District and another

.....Respondents

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE MR. JUSTICE C.V. RAMULU

WRIT PETITION No. 15488 OF 2006

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in seizing the stock 1950 litres of kerosene and vehicle bearing No. AP 9V 6704 and initiation of proceedings dated 16-06-2006 under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') as arbitrary and illegal.

It appears that the petitioner is a hawker (retail kerosene dealer) under the licence issued by the respondents. While so, the first respondent inspected the lorry bearing No. AP 9V 6704 on 05-04-2006 and seized the same along with 1950 litres of kerosene on the ground that the petitioner has contravened the provisions of the Andhra Pradesh (L & RS) Order, 1980 and the Kerosene (Restriction of Use and Fixation of Ceiling Price) Order, 1993 read with Section 7 of the Act. The allegation against the petitioner is that he has converted blue kerosene meant for public distribution as white kerosene by using white chemical powder and selling the same in the open market at a higher price.

Learned counsel for the petitioner contended that the petitioner has purchased the said 1950 litres of kerosene from a wholesale dealer in the open market, that he has not converted the blue kerosene into white kerosene and therefore, he has not committed any illegality.

It is stated that the vehicle which was seized was already released in favour of the owner. Insofar as seized stock of 1950 litres of kerosene is concerned, it is stated in the counter filed by the respondents that the petitioner is in the habit of converting blue kerosene into while kerosene for selling the same at higher price in the open market. This is a matter which requires an enquiry and passing of orders in the 6-A proceedings, which are already launched against the petitioner. However, insofar as releasing of the stocks during the pendency of the proceedings under Section 6-A of the Act is concerned, the respondents are directed to consider releasing of

1950 litres of kerosene on the petitioner furnishing bank guarantee for the full value of the kerosene seized and the same shall be subject to the result of the 6-A proceedings pending before the Joint Collector. However, the petitioner shall satisfy the authorities that he has purchased the white kerosene in the open market by placing necessary evidence.

The writ petition is accordingly disposed of.

_____

(C.V. RAMULU, J)

Dated: 23-11-2006
ks
Note: Furnish copy in one week.
B/O